

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

NOAH T. AUSTIN,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CIV- <u>22-792-G</u>
	)	(Formerly Oklahoma County
BIMBO BAKERIES USA, INC.,	)	Case No. CJ-2022-3975)
	)	
Defendant.	)	

**NOTICE OF REMOVAL**

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

Pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, Defendant, Bimbo Bakeries USA, Inc. (“Defendant”), hereby removes this action from the District Court of Oklahoma County, Oklahoma, where it was filed as Cause No. CJ-2022-3975, styled *Noah T. Austin v. Bimbo Bakeries USA, Inc.*, to the United States District Court for the Western District of Oklahoma. As the grounds for removal, Defendant states as follows:

1. Plaintiff filed his Petition in this matter on August 17, 2022, in the District Court of Oklahoma County, Oklahoma, which is located within the Western District of Oklahoma.

2. Defendant was served with Summons and the Petition on August 19, 2022. A copy of Plaintiff’s Petition is attached hereto as Exhibit “1”, and a copy of the Summons is attached hereto as Exhibit “2”. A copy of the state court docket sheet is attached hereto as Exhibit “3”.

3. This is a civil action over which this Court has original subject matter jurisdiction under the provisions of 28 U.S.C. § 1331. Plaintiff asserts claims for alleged violation of the Americans with Disabilities Act (“ADA”) and the Family Medical Leave Act (“FMLA”). See Plaintiff’s Petition, paragraph 3. Plaintiff’s claims arise under the laws of the United States and involve issues of federal question. Therefore, this court has jurisdiction under 28 U.S.C. § 1331 and this action may be removed to this Court pursuant to the provisions of 28 U.S.C. § 1441.

4. Plaintiff also brings a state law claim which arises out of the same transaction or occurrence as his federal claim, and is part of the same case or controversy pursuant to 28 U.S.C. § 1367(a). Specifically, Plaintiff alleges that Defendant engaged in disability discrimination in violation of the Oklahoma Anti-Discrimination Act (“OADA”). See Plaintiff’s Petition, paragraph 3.

5. This Notice of Removal is timely because it is filed within thirty (30) days from the date Defendant received a copy of the Petition. See 28 U.S.C. § 1446(b).

6. As required by 28 U.S.C. § 1446(d), written notice of the filing of this Notice of Removal is being filed with the Clerk of the District Court of Oklahoma County, Oklahoma.

7. In accordance with LCvR 81.2, Fed. R. Civ. P. 81, and 28 U.S.C. § 1446(a), copies of all process and pleadings previously served upon Defendant, including a copy of the state court docket sheet, are attached hereto as Exhibits “1” through “3”.

8. There are no motions pending before the Oklahoma County District Court in this matter, nor are any hearings currently set.

WHEREFORE, Defendant removes this action to this Court pursuant to 28 U.S.C. §§ 1331, 1441, and 1446.

Respectfully submitted,

*s/Tony G. Puckett*

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**ATTORNEYS FOR DEFENDANT**

**CERTIFICATE OF SERVICE**

This undersigned hereby certifies that a true and correct copy of the foregoing was mailed, postage prepaid on the 8th day of September 2022, to the following:

Amber Hurst, OBA #21231  
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**ATTORNEYS FOR PLAINTIFF**

*s/Tony G. Puckett*

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